

installation of \$720.00 for a DS1 cross-connect and \$864.00 for a DS3 cross-connect. In contrast, Bell Atlantic currently charges only \$1.00 for the installation of a new DS1 or DS3 special or switched access service purchased by end user customers.^{24/} Of course, such a flagrant discrepancy is unreasonably discriminatory on its face, and also contravenes the Commission's express prohibition against LECs applying nonrecurring charges in a manner that discriminates against interconnected competitors. The Commission should order Bell Atlantic to immediately cure the discrepancy, and to reimburse interconnectors, with interest, for all nonrecurring installation charges in excess of \$1.00 that were paid after the establishment of the \$1.00 NRCs for DS1 and DS3 special and switched access services.

VI. LEC TERMS, CONDITIONS AND PRACTICES ARE UNREASONABLE

A. SWB's Practice of Requiring Receipt of NRC Payments Before Turning Up Service for Collocators Is Unreasonable

MFS urges the Commission to find unreasonable a discriminatory billing practice in which SWB engages. This practice does not involve a tariffed provision that is unreasonable *per se*, but rather SWB's interpretation of its tariff that imposes a discriminatory and anticompetitive burden on interconnectors. Specifically, SWB requires that it receive in house full payment of all nonrecurring charges before turning up a new expanded interconnection arrangement or provisioning cross-connected circuits to existing interconnection arrangements.

^{24/} Compare Bell Atlantic Tariff F.C.C. No. 1, page 960 with pages 478 and 478.1.

This practice is unreasonable because it departs from standard industry practice and the way SWB treats its end user customers. For special and switched end user services, SWB -- like all other LECs -- submits bills for NRCs that are payable in 30 days, and turns up service upon issuance of the bill, not upon receipt of payment. For MFS, however, SWB refuses to turn up a new service until it has the check for the full amount of NRCs in hand.

This practice is more than a simple annoyance -- it has caused MFS significant delay in the provisioning of essential services and facilities, and increases MFS' transaction costs. Rather than process SWB bills along with other vendor bills in the normal course of business, MFS must order its accounting department to accord expedited treatment to SWB interconnection bills in order to avoid additional delay of its interconnection requests. Even when such effort is expended, however, MFS experiences a significant delay in the provisioning of its interconnection requests. SWB has no justification for this harassing, dilatory and discriminatory practice, and MFS urges the Commission to find it unlawful.

B. The Lack of Clarity in The LEC's Training Provisions Permits Rate Gouging and Must Be Corrected

MFS urges the Commission to impose restrictions on LEC training practices that unreasonably inflate the cost of expanded interconnection. Specifically, MFS is concerned that LECs may require the training of excessive numbers of technicians, or may "gold plate" their training requirements, providing unnecessary training arrangements that serve only to increase an interconnector's cost.

In order to eliminate excessive training costs, the Commission should find that the training of any more than three technicians per LEC central office is excessive. This practice has already been adopted by U S West,^{25/} and demonstrates the reasonable maximum number of technicians that need to be trained to provide effective service to interconnectors.

In addition, the Commission should ensure that CAPs are permitted to enjoy the benefits of any cost training that they are able to obtain from vendors. Most significantly, many equipment manufacturers provide *free* training on their equipment for significant purchases. Clearly, it would be unreasonable to allow a LEC to arrange for paid training if free training was available.

Similarly, many vendors are willing to provide training at the customer's location -- in this case the LEC central office.^{26/} Such provisions would eliminate significant travel expenses and would reduce the number of technician labor hours that the interconnector would have to pay. In addition, there are different levels of training available, and the interconnector should be permitted to establish the appropriate level of training that is required of the technicians that will be servicing the interconnector's equipment.

All of these issues can be resolved neatly and with a minimum of Commission oversight if the Commission simply establishes the interconnector's right to make all necessary training arrangements. If the interconnector is able to contract directly with the vendor or

^{25/} U S West Direct Case at 24-26, 28-30.

^{26/} See Bell Atlantic Direct Case at 8.

other training entity, the interconnector may obtain free or discounted training, if available, limit travel expenses, and set the curriculum and scope of the training. This will not only empower interconnectors to control their training costs, it will relieve the LECs of the administrative burden of making the training arrangements. Moreover, this approach is supported by Bell Atlantic.^{27/} The interconnectors will, of course, schedule training at times and in a manner that is not disruptive of the LEC technician's regular duties. MFS therefore urges the Commission to establish a limit of three technicians per central office, and to ascertain that interconnectors have the ability to arrange the most favorable training rates and terms available to them.

C. LEC Refusals to Tariff Provisioning and Repair Intervals Is Unreasonable

In their direct cases, most LECs urged the Commission not to require additional reporting requirements for installation, maintenance and repair intervals, claiming that such tariffed provisions are unnecessary and overly burdensome.^{28/} MFS completely disagrees with

^{27/} Bell Atlantic Direct Case at 8.

^{28/} *Direct Case of U S WEST* at 35 (stating that LECs should not be required to provide specific information in their tariffs with respect to repair and maintenance intervals, because "[s]uch a requirement would be unduly burdensome . . ."); *Direct Case of SWB* at 33 (claiming that "[i]t is unreasonable to require LECs to expend the time and resources required to provide mandated virtual collocation tariffed maintenance and repair intervals"); *Direct Case of BellSouth* at 14-15 (asserting that because installation intervals "[w]ill be determined through negotiation between CAPs and equipment vendors . . . BellSouth does not believe that collocators would benefit from tariff provisions incorporating the above terms"); *Direct Case of GTE* at 21 (choosing to use standard internal guidelines for installation of termination equipment); *Direct Case of Ameritech* at 20-21 (insisting that requiring such tariff provisions "[w]ould not be reasonable, nor are they necessary" because they "[c]ould inhibit Ameritech's ability to serve the needs of all its customers by restricting the flexibility of the LECs to adapt to the needs of a given situation").

such blatant attempts by these LECs to escape the detection of serious problems, such as unacceptable delays and improper repairs, in LEC provisioning of virtual collocation services. By way of example, MFS refers to several instances over the past year in which U S WEST failed to respond in a reasonably timely manner to MFS' requests for collocation.

For instance, MFS submitted two requests for collocation to U S WEST's central office in Portland, Oregon on December 1, 1994 and again on April 6, 1995. Likewise, MFS submitted two similar requests for collocation to U S WEST's central office in Seattle, Washington on November 2, 1994 and again on February 1, 1995. To date, MFS has received no response whatsoever from U S WEST regarding any of these requests for collocation. Additionally, MFS has yet to receive any response from U S WEST regarding three requests for collocation submitted over ten months ago to U S WEST's central offices in Bellvue, Washington (submitted Feb. 1, 1995), Redmond, Washington (submitted January 24, 1995), and Kirkland, Washington (submitted January 24, 1995). None of these interconnection arrangements are yet up and running. MFS has experienced similarly unacceptable delays in the provisioning of collocation services from other LECs, as well as delays in the provisioning of cross-connected circuits, and in repair response time.

These experiences by MFS clearly demonstrate an overwhelming need for more detailed performance reports by those LECs providing interconnection arrangements. Requiring tariffed provisions of installation, maintenance and repair intervals is the only way to ensure that interconnectors will be protected from unacceptable LEC delay and unreasonable LEC performance standards.

VII. CONCLUSION

For the foregoing reasons, MFS respectfully requests that the Commission require the LECs to amend their virtual interconnection tariffs in accordance with the discussion contained herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew D. Lipman".

Andrew D. Lipman

Jonathan E. Canis

SWIDLER & BERLIN, Chartered

3000 K Street, N.W., Suite 300

Washington, D.C. 20007

Attorneys for

MFS COMMUNICATIONS COMPANY, INC.



"The One to Call On"

November 2, 1995

MFS Communications, Inc
Bob McCausland, Director-Colocation/Unbundled Loops
999 Oakmont Plaza Drive, Suite 400
Westmont, IL 60559-5516

Dear Mr. McCausland:

This letter is to inform you there will be additional charges, above and beyond the charges quoted, applicable for MFS's virtual collocation request for the Houston National central office. SWBT will need to place 4 inch PVC conduits at two entrance manhole locations on West Lane Dr. serving the National Central Office. The estimated charges are \$10,200.00 for this Custom Work.

Attached is an SW-8037, Estimate of Cost for Custom Work, indicating the applicable charges and work to be performed. Please approve the proposed charges by signing and dating Part III of the attached SW-8037.

This form will need to be sent with your firm order for the National Central Office. The actual cost will be billed to MFS after the work is complete. Therefore, this estimate of charges should not be included in your first 50% payment.

If you have questions concerning this Estimate of Cost for Custom Work, please contact your Regional Marketing Account Manager, Hope Harbeck at 214 464-8330, or your ICSC Manager, Laura Boone at 214 464-5496.

Sincerely,

A handwritten signature in cursive script that reads "Laura K. Boone".

Laura K. Boone
Manager-Interexchange
Customer Services Center

Attachment

CC: Regional Marketing-Hope Harbeck
CBIC Manager-Linda Ross

A handwritten note enclosed in a hand-drawn circle. The text inside the circle reads "Orig. rec'd 11-7-95" followed by a signature.

280 330d 5150 430 912

64:21 56: 21 100

Southwestern Bell Telephone

SW-807
(Rev. 3-82)
Ref: O.P. 45, PART II

Retention Period: 3 Years

REQUEST FOR ESTIMATE OF
COST AND AUTHORITY FOR CUSTOM WORK

#44

PART I

Request For Estimate Of Cost ☒ Exchange HOUSTON
Authorization For Custom Work ☐ Collection Center HOUSTON
1. Name of Applicant MFS of HOUSTON, TX Phone 713 236-9637
Name of Applicant's Representative DAVID K. FREUND Phone 713 236-9637
2. Billing Address: Street 600 TRAVIS, STE 1450 State TX Zip 77002
City HOUSTON, TX
3. Location and Description of Work MAKE 4" PVC CONDUIT AT TWO EXISTING MANHOLE LOCATIONS ON WEST LAKE SERVING THE NATIONAL CENTRAL OFFICE.
4. Date Customer Request Was Completed 10/13/95 Tax Exempt ☐ No ☐ Yes ☐
5. Prepared By DAVID K. FREUND Phone 214 464-4892 Address OAP, 28TH FLOOR, DLS, TX 75202
6. Signature David K. Freund Date 10/13/95 Phone 214 464-5496
Title: Manager

PART II

7. Engineering And Construction Charge \$10,200.00
8. Contribution Factor at 10.200%
9. Cost of Material 10.200%
10. State Tax 10.200%
11. County Tax 10.200%
12. Local Tax 10.200%
13. Transportation Tax (Taxes Only) 10.200%
14. Total Estimated Costs 10.200%
15. Work To Be Done CONTRACT: BLANK 7,800
165' CONDUIT 20' 45 100
ENE TIME 70 SETS 1,500
TOTAL 10,200
16. Lead Time (In Days) To Completion Due Date 10/13/95
17. Remarks MAKE 4" PVC CONDUIT AT MH 8322 & MH 7465 FOR ENTRANCE TO NA CO
18. Prepared By PETER THOMPSON Phone 975-2560 Address 9051 PARK WEST, IR.
19. Signature Peter Thompson Date 10/13/95 Phone 713 975-2560
Title: MANAGER-ENGINEERING DESIGN

PART III

Applicant Has Purchased Letter or Contract to Pay For Work ☐ Yes ☐ No. Applicant's Verbal Agreement to Pay For Work Has Been Approved By The Manager-EEC/REC ☐ Yes ☐ No. It is necessary to Proceed With The Work ☐ Yes ☐ No.
20. Contract Price ☐ Of \$ 10,200.00 Actual Cost ☐ Maximum Tariff Charge Of \$ 10,200.00
21. Advance Payment Received \$ 10,200.00 After Completion Of Work ☐
On A Preliminary Basis ☐ (Describe)

If Work is Contract Price and Estimated Under \$2500, Billing May Be Regular Or Special (as Indicated By B/EED).
If Work is Contract Price and Estimated Over \$2500, Billing Must Be Special (as Indicated By B/EED).
If Work is Uncontracted, Billing Will Be Regular (as Indicated By B/EED). Work Will Be Authorized On 1000.

22. Special Bill ☐ Regular Bill ☐
23. Remarks 10.200%
24. Prepared By DAVID K. FREUND Phone 214 464-4892 Address OAP, 28TH FLOOR, DLS, TX 75202
25. Signature David K. Freund Date 10/13/95 Phone 214 464-5496
Title: Manager

PART IV

Upon Completion of Work, Sign and Return A Copy To The Engineering Manager (Name And Address From Part I)

26. Completion Date 10/13/95 Signature DAVID K. FREUND Phone 214 464-4892
Title: Manager

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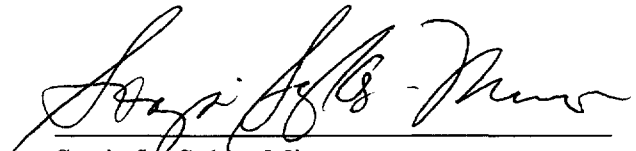
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TOTAL P.03

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November 1995, copies of the foregoing
COMMENTS ON DIRECT CASE SUBMITTED BY ELECTRIC LIGHTWAVE, INC.
CC Docket 94-97, Phase II, were sent via Hand-Delivery* or First-Class Mail, U.S. postage
prepaid, to the parties on the attached service list.



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